

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 4**

AMAZON.COM SERVICES LLC)	
)	
)	
and)	Case 04-CA-258383 and
)	04-CA-261301
(b) (6), (b) (7)(C))	
An Individual.)	
)	

RESPONDENT'S ANSWER

Pursuant to Sections 102.20 and 102.21 of the National Labor Relations Board's Rules and Regulations, Amazon.com Services LLC ("Respondent," "Amazon" or the "Company"), through its undersigned counsel, answers the Consolidated Complaint ("Complaint") according to the Complaint's numbered paragraphs. To the extent that the Complaint's introduction contains allegations and legal conclusions, they are denied.

1. (a) Respondent is without knowledge as to the allegations in this paragraph of the Complaint.

(b) Respondent is without knowledge as to the allegations in this paragraph of the Complaint.

2. (a) Admitted.

(b) Admitted.

(c) Admitted.

3. Respondent admits only that, during the time periods relevant to the Complaint, the following individuals were statutory supervisors under Section 2(11) of the Act: (b) (6), (b) (7)(C)

[REDACTED]

[REDACTED]

[REDACTED] Respondent further admits that, during

the time periods relevant to the Complaint, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) were agents of Respondent. The remaining allegations in this subparagraph are denied.

4. (a) Denied

(b) Denied.

(c) Denied.

5. (a) Admitted.

(b) Denied. By way of further response, Respondent admits only that

(b) (6), (b) (7)(C) enforced the rule described in subparagraph 6(a).

6. (a) This subparagraph states a legal conclusion for which no answer is required. To the extent a response is required, the allegations of this subparagraph are denied.

(b) Admitted.

(c) Admitted.

(d) Denied. By way of further response, (b) (6), (b) (7)(C) was suspended and terminated based on (b) (6), (b) (7)(C) serious and egregious violations of Company policies, including, but not limited to, (b) (6), (b) (7)(C) threat to “beat [the] ass” of (b) (6), (b) (7)(C) co-worker and insubordinate refusal to follow repeated directions from management.

7. This subparagraph states a legal conclusion for which no answer is required. To the extent a response is required, the allegations of this subparagraph are denied.

8. This subparagraph states a legal conclusion for which no answer is required. To the extent a response is required, the allegations of this subparagraph are denied.

Any and all remaining allegations contained in the Complaint are denied.

SEPARATE DEFENSES

Respondent asserts the following separate defenses to the Complaint without conceding that it bears the burden of proof as to any of them:

1. The Complaint fails to state a claim upon which relief can be granted.
2. Respondent has been denied due process of law.
3. The position of the Agency and the issuance of Complaint are not substantially justified.
4. The Complaint is barred inasmuch as the Charging Party failed to properly serve the charge on the Respondent as required by Section 102.14(a) of the Board's Rules and Regulations.
5. Some or all of the allegations of the Complaint are barred in whole or in part because such allegations were not within the scope of the allegations made in any underlying unfair labor practice charge(s).
5. Some or all of the allegations of the Complaint are barred in whole or in part by the applicable limitations period under Section 10(b) of the National Labor Relations Act.
6. Even if the General Counsel could establish a *prima facie case* – which they cannot – the facts establish that the Company's decisions would have occurred without regard to any purported protected concerted activity, which satisfies the Company's burden under *Wright Line, Inc.*, 251 NLRB 1083, 1089 (1980), *enforced*, 662 F.2d 899 (1st Cir. 1981).
7. The Respondent took the disciplinary actions identified in paragraphs 6(b) and 6(c) of the Complaint "for cause" within the meaning of Section 10(c) of the Act, 29 U.S.C. §160(c) and, therefore, "the reinstatement of any individual as an employee who has been suspended or discharged, or the payment to him of any backpay, if such individual was suspended or discharged for cause" is prohibited.

WHEREFORE, Respondent Amazon.com Services LLC requests that the Complaint and Notice of Hearing be dismissed, with prejudice.

Date: November 27, 2020

Respectfully submitted,

/s/ Joseph C. Ragaglia

Joseph C. Ragaglia

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Attorneys for Respondent

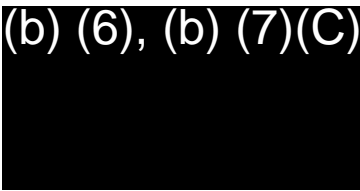
Amazon.com Services LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Answer was electronically filed, and served via email, on November 27, 2020, upon the following:

David G. Rodriguez
National Labor Relations Board, Region 4
The Wanamaker Building
100 Penn Square East
Suite 403
Philadelphia, PA 19107
David.Rodriguez@nlrb.gov

(b) (6), (b) (7)(C)



/s/ Joseph C. Ragaglia
Joseph C. Ragaglia

AMAZON.COM SERVICES LLC
and
(b) (6), (b) (7)(C)
An Individual

Pursuant to Sections 102.20, 102.21, and 102.23 of the National Labor Relations Board’s Rules and Regulations, Amazon.com Services LLC (“Respondent,” “Amazon” or the “Company”), through its undersigned counsel, files this First Amended Answer the Consolidated Complaint (“Complaint”) according to the Complaint’s numbered paragraphs. To the extent that the Complaint’s introduction contains allegations and legal conclusions, they are denied.

(b) Respondent is without knowledge as to the allegations in this paragraph of the Complaint.

(c) Admitted.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) Respondent further admits that, during the time periods relevant to the Complaint, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) were agents of Respondent. The remaining allegations in this subparagraph are denied.

4. (a) Denied

(b) Denied.

(c) Denied.

5. (a) Admitted.

(b) Denied. By way of further response, Respondent admits only that (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) enforced the rule described in subparagraph 6(a).

6. (a) This subparagraph states a legal conclusion for which no answer is required.

To the extent a response is required, the allegations of this subparagraph are denied.

(b) Admitted.

(c) Admitted.

(d) Denied. By way of further response, (b) (6), (b) (7)(C) was suspended and terminated based on (b) (6), (b) (7)(C) serious and egregious violations of Company policies, including, but not limited to, (b) (6), (b) (7)(C) threat to “beat [the] ass” of (b) (6), (b) (7)(C) co-worker and insubordinate refusal to follow repeated directions from management.

7. This subparagraph states a legal conclusion for which no answer is required. To the extent a response is required, the allegations of this subparagraph are denied.

8. This subparagraph states a legal conclusion for which no answer is required. To the extent a response is required, the allegations of this subparagraph are denied.

Any and all remaining allegations contained in the Complaint are denied.

SEPARATE DEFENSES

Respondent asserts the following separate defenses to the Complaint without conceding that it bears the burden of proof as to any of them:

1. The Complaint fails to state a claim upon which relief can be granted.
2. Respondent has been denied due process of law.
3. The position of the Agency and the issuance of Complaint are not substantially justified.
4. Even if the General Counsel could establish a *prima facie case* – which they cannot – the facts establish that the Company’s decisions would have occurred without regard to any purported protected concerted activity, which satisfies the Company’s burden under *Wright Line, Inc.*, 251 NLRB 1083, 1089 (1980), *enforced*, 662 F.2d 899 (1st Cir. 1981).
5. The Respondent took the disciplinary actions identified in paragraphs 6(b) and 6(c) of the Complaint “for cause” within the meaning of Section 10(c) of the Act, 29 U.S.C. §160(c) and, therefore, “the reinstatement of any individual as an employee who has been suspended or discharged, or the payment to him of any backpay, if such individual was suspended or discharged for cause” is prohibited.
6. The Acting General Counsel has no authority to prosecute the Complaint based on the premature and improper removal of General Counsel Peter Robb on January 20, 2021. Pursuant to Section 3(d) of the Act, the General Counsel is appointed “for a term of four years” and has the “final authority . . . in respect of the prosecution of such complaints before the Board.” General Counsel Peter Robb’s improper removal and replacement, before his four-year term ended on or about November 15, 2021, renders prosecution of the Complaint *ultra vires*.

WHEREFORE, Respondent Amazon.com Services LLC requests that the Consolidated Complaint and Notice of Hearing be dismissed, with prejudice.

Date: February 19, 2021

Respectfully submitted,

/s/Denise M. Keyser

Denise M. Keyser

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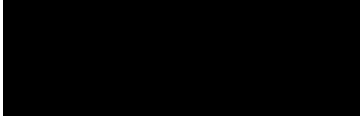
Amazon.com Services LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing First Amended Answer was electronically filed, and served via email, on February 19, 2021, upon the following:

Lea Alvo-Sadiky
National Labor Relations Board, Region 4
The Wanamaker Building
100 Penn Square East
Suite 403
Philadelphia, PA 19107
Lea.Alvo-Sadiky@nrlrb.gov

(b) (6), (b) (7)(C)

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/s/ Rebecca A. Leaf

Rebecca A. Leaf